STATE OF NEVADA
Jim Gibbons, Governor
Department of Conservation & Natural Resources
Allen Biaggi, Director
DIVISION OF ENVIRONMENTAL PROTECTION
Leo M. Drozdoff, P.E., Administrator

FACT SHEET (pursuant to NAC 445A.236)

Permit Name: General Permit for Stormwater Discharges Associated with Large Construction Activity, Small Construction Activity and Stormwater Associated with Industrial Activity from Temporary Concrete, Asphalt, and Material Plants or Operations Dedicated to the Permitted Construction Project to Waters of the United States.

Permit Number: NVR100000

Location: Currently, there are approximately 2,200 separate construction projects permitted statewide.

Background Relating to the General Permit

NDEP is proposing a reissuance of the existing construction general permit which was issued in September 2002 and which expires on September 15, 2007. Since the passage of the Clean Water Act ("CWA"), the quality of our Nation's waters has improved dramatically. Despite this progress, however, degraded water bodies still exist. According to the 1996 National Water Quality Inventory ("Inventory"), a biennial summary of State surveys of water quality showed that approximately 40 percent of surveyed U.S. water bodies are still impaired by pollution and do not meet water quality standards. A leading source of this impairment is polluted stormwater runoff. In fact, according to the Inventory, 13 percent of impaired rivers, 21 percent of impaired lake acres and 45 percent of impaired estuaries are affected by urban/suburban stormwater runoff and 6 percent of impaired rivers, 11 percent of impaired lake acres and 11 percent of impaired estuaries are affected by construction site discharges. Phase I of the U.S. Environmental Protection Agency's ("EPA") stormwater program was promulgated in 1990 under the CWA. Phase I relies on National Pollutant Discharge Elimination System ("NPDES") permit coverage to address storm water runoff from:
(1) "Medium" and "large" municipal separate storm sewer systems ("MS4s") generally serving populations of 100,000 or greater;
(2) Construction activity disturbing 5 acres of land or greater; and
(3) Eleven categories of industrial activity.

The Storm Water Phase II Final Rule was the next step in EPA's effort to preserve, protect, and improve the Nation's water resources from polluted stormwater runoff. The Phase II Final Rule of 1999 expanded the Phase I program by requiring additional operators of MS4s in urbanized areas and operators of small construction sites, through the use of NPDES permits, to implement programs and practices to control polluted stormwater runoff.

Specifically, the Phase II final rule "automatically" covers two additional classes of stormwater dischargers on a nationwide basis:

(1) Operators of small MS4s located in "urbanized areas" as delineated by the Bureau of the Census. A "small" MS4 is defined as any MS4 not already covered by Phase I of the NPDES stormwater program.

(2) Operators of small construction activities that disturb equal to or greater than 1 (one) and less than 5 (five) acres of land, and any other construction activity with the potential for contribution to a violation of a water quality standard or contribute significant amounts of pollutants to waters of the United States.

Phase II is intended to further reduce adverse impacts to water quality and aquatic habitat by instituting the use of controls on the unregulated sources of stormwater discharges that have the greatest likelihood of causing continued environmental degradation. The environmental problems associated with discharges from MS4s in urbanized areas and discharges resulting from construction activity are discussed below.

What's New With This General Permit

This general permit has added language to this permit that addresses the following issues:

Requirement for a Stormwater Permit for Projects Less Than 1 Acre. If NDEP determines that a project less than one (1) acre in size will impact receiving waters or its tributaries within a 1/4-mile radius of the project, the owner of the project will be required to obtain a stormwater permit and abide by the terms of this permit;

Waiver for Oil and Gas Exploration. NDEP does not require a permit for discharges of stormwater runoff from operations for oil and gas exploration, production, processing, treatment, and transmission facilities that are composed entirely of flows which are from conveyances or systems of conveyances (including but not limited to pipes, conduits, ditches, and channels) used for collecting and conveying precipitation runoff and which are not contaminated by contact with or that has not come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations. This is in accordance with the 2005 Energy Act and the revised EPA regulations of June 12, 2006. A permit will be required if the stormwater discharge from the oil and/or gas exploration site will contribute to a violation of a water quality standard; and

Total Maximum Daily Load. The Stormwater Pollution Prevention Plan ("SWPPP") must include documentation supporting a determination of permit eligibility with regard to waters that have an approved TMDL, including identification of whether the discharge is identified, either generally or specifically, in an approved TMDL and any associated allocations, requirements, and assumptions identified for the stormwater discharges; summaries of consultation with State TMDL authorities on consistency of SWPPP conditions with the approved TMDL; and measures taken to ensure that the discharge of pollutants from the site is consistent with the assumptions and requirements of the approved TMDL, including any specific wasteload allocation that has been established that applies to discharges from the specific site.

MS4s in Urbanized Areas

Stormwater discharges from MS4s in urbanized areas are a concern because of the high concentration of pollutants found in these discharges. Concentrated development in urbanized areas substantially increases impervious surfaces, such as city streets, driveways, parking lots, and sidewalks, on which pollutants from concentrated human activities settle and remain until a storm event washes them into nearby storm drains. Common pollutants include pesticides, fertilizers, oils, salt, litter and other debris, and sediment. Another

901 S. Stewart Street, Suite 4001 • Carson City, Nevada 89701 • p: 775.687.4670 • f: 775.687.5856 • ndep.nv.gov

concern is possible illicit connections to sanitary sewers, which can result in fecal coliform bacteria and other pollutants entering the storm sewer system. Stormwater runoff picks up and transports these and other harmful pollutants, then discharges them to waterways via storm sewer systems. When left uncontrolled, these untreated discharges can result in fish kills, the destruction of spawning and wildlife habitats, a loss in aesthetic value, and contamination of drinking water supplies and recreational waterways that can threaten public health.

Construction Activity

Uncontrolled stormwater runoff from construction sites is a water quality concern because of the devastating effects that sediment can have on local water bodies, particularly small streams. Numerous studies have shown that the amount of sediment transported by stormwater runoff from construction sites with no Best Management Practices ("BMPs") controls is significantly greater than from sites with BMPs in place. In addition to sediment, construction activities yield pollutants such as pesticides, petroleum products, construction chemicals, solvents, asphalts, and acids that can contaminate stormwater runoff. During storms, construction sites may be the source of sediment-laden runoff, which can overwhelm a small stream channel's hydraulic capacity, resulting in streambed scour, stream bank erosion, and destruction of nearby stream vegetative cover. When left uncontrolled, sediment-laden runoff has been shown to result in the loss of in-stream habitats for fish and other aquatic species, an increased difficulty in filtering drinking water, the loss of drinking water reservoir storage capacity, and negative impacts on the navigational capacity of waterways.

Rainfall Erosivity Waiver

NDEP will continue to authorize waivers for this area when appropriate. Since construction site stormwater runoff can contribute significantly to water quality problems, the Phase I Stormwater Rule imposed a requirement that all construction sites with a planned land disturbance of 5 acres or more obtain an NPDES permit and implement stormwater runoff control plans. Phase II extends the requirements of the stormwater program to sites of sizes between 1 and 5 acres. The Rainfall Erosivity Waiver, along with the water quality waiver, allows permitting authorities to waive those sites that do not have adverse water quality impacts.

The Stormwater Phase II rule allows permitting authorities to waive NPDES requirements for small construction sites if the value of the rainfall erosivity factor is less than 5 during the period of construction activity (see §40CFR122.26(b)(15)(i)(A)). Note that the permitting authority has the option of not allowing waivers for small construction activity if stormwater discharges from the site may adversely impact water quality to waters of Nevada.

Notice of Intent/Notice of Termination

Notices of Intent ("NOI") can only be filled out on-line and filed electronically with NDEP. Notices of Termination ("NOT") are filled out on paper copies and mailed to NDEP for processing. Permittees do not yet have the option of filling out the NOT on-line and filing it electronically, though this may happen during the term of this permit.

To continue to be included in this general permit, holders of expired general permit NVR100000 must submit a renewal NOI to NDEP within ninety (90) days of the effective date of this permit to remain included under the original NOI. The permittee must verify that the information on the renewal NOI is valid and accurate before submitting the renewal NOI for continued inclusion. No additional filing fee is required to file this renewal NOI. In addition, the previously supplied permit identification number (CSW-xxxx) must be included with the submittal.

901 S. Stewart Street, Suite 4001 • Carson City, Nevada 89701 • p: 775.687.4670 • f: 775.687.5856 • ndep.nv.gov

Operator / Owner
An operator of a construction site is the person (or persons) responsible for obtaining coverage under an NPDES stormwater permit for construction activity, and complying with the permit requirements. An operator is the person or persons that meet either of the following criteria:

- Has operational control of the construction project plans and specifications, including the ability to make modifications to those plans and specifications; or

- Has day-to-day operational control of those activities at a project site which are necessary to ensure compliance with a stormwater pollution prevention plan ("SWPPP") for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

There may be more than one party at a site responsible for "operational control." Depending on the project and the distinction between the parties' (e.g., owners vs. developers) responsibilities, there can either be a single party acting as a site operator needing permit coverage or there can be two (or more) operators who may share permit responsibilities. In cases where there are two or more operators, both parties will need permit coverage if they choose to keep the responsibilities described above separate, or they choose to separately maintain operational control for different portions of the site, etc. In such cases, both operators should obtain permit coverage as co-permittees by submitting separate Notice of Intent forms, and should share in meeting permit conditions (e.g., generating the storm water pollution prevention plan, performing inspections, etc.). The option to have one sole operator who is willing to assume complete responsibility / liability for all permit requirements still exists and, in many cases, may be the less overall burdensome way to comply with the stormwater permit requirements. There are other instances where parties conduct earth-disturbing activities at a site but do not need their own permit coverage. Examples for whom this may apply include a subcontractor who is under the supervision of the operator, or an entity that is neither a subcontractor nor has operational control (e.g., a utility line installer).

Receiving Water Characteristics:

Varies depending on location.

Permit Requirements:

This permit is in response to requirements of the Federal Clean Water Act and implementing federal regulations, and is based on installing and maintaining BMPs such as diversion ditches, detention basins, erosion control, sediment traps, gravel construction entrances, covered storage, spill response, and good housekeeping. The site operator selects the BMPs subject to NDEP approval. This permit is a continuation of a program begun in 1993 under the first general permit, GNV0022241 and continued with the previous general permit NVR100000. This general permit is applicable to projects involving disturbance of one or more acres, except in special circumstances where a stormwater permit may be required for construction sites disturbing less than one acre with the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.

901 S. Stewart Street, Suite 4001 • Carson City, Nevada 89701 • p: 775.687.4670 • f: 775.687.5856 • ndep.nv.gov

Rationale for Permit Requirements:

The conditions set in permit language are the minimum requirements to maintain and implement an effective stormwater program within the confines of U. S. EPA published rules (40CFR Part 122) for use in stormwater permits.

NDEP Guidance Materials

NDEP has various guidance materials on its website at http://ndep.nv.gov/bwpc/storm_cont03.htm. These materials include information on BMPs, rainfall erosivity waivers, SWPPP templates, and other miscellaneous topics. Additional resources are available at http://www.cicacenter.org/ and http://cfpub.epa.gov/npdes/stormwater/const.cfm.

Prepared by: Steve McGoff, P.E.
Staff III Engineer
July 31, 2007

901 S. Stewart Street, Suite 4001 • Carson City, Nevada 89701 • p: 775.687.4670 • f: 775.687.5856 • ndep.nv.gov